

EXHIBIT 5

From: Roger Townsend
 To: Larry Altenbrun
 Cc: Roger Townsend; nick power; Curt Feig; Cindy Heidelberg
 Subject: Hempton v. Pond5 Meet and Confer
 Date: Tuesday, July 19, 2016 2:48:04 PM
 Attachments: image003.png

Larry:

This follows up our meet and confer from today.

1. **Metadata on Sound Files.** I advised you that the metadata on the sound files has been removed. I can now clarify that the metadata was removed on April 21, 2016. The metadata is important to our investigation and prosecution of this matter and we need to understand what happened with these files and how the metadata came to be removed. You agreed to provide a statement on behalf of your client regarding the chain of evidence and treatment of those electronic files.
2. **Discovery of Users.** I advised that we needed you to identify (as such term is defined in the discovery requests) the end users that downloaded Gordon Hempton's copyrighted files. You asked for more information regarding the basis of our claim that the particular files were, in fact, Mr. Hempton's copyrighted works of authorship. We allege that the following files and data from Ckennedy/Mr. Kahn were infringement's of Mr. Hempton's copyrighted works:

pond_user	objectid	Pond5 name	Hempton filename
554434	41736427	Wind grass wispy breeze	QP02 0200 Wind grass wispy breeze.wav
554434	41868858	Desert morning bird chorus (3)	QP01 0131 Desert morning bird chorus.wav
554434	41386040	Owl Hoot	QP01 0060 Deciduous forest owl hoot.wav
554434	44444837	Prairie red-tailed hawk	QP06 0647 Prairie red-tailed hawk.wav
554434	41616044	Thunder moderately distant (1)	QP03 0279 Thunder moderately distant.wav
554434	41868559	Desert bird wings flutter	QP01 0135 Desert bird wings flutter.wav
554434	41867579	Coyote solo	QP01 0138 Coyote solo.wav
554434	41868481	Deciduous forest owl hoot	QP01 0060 Deciduous forest owl hoot.wav
554434	41868731	Desert morning bird chorus (2)	QP01 0130 Desert morning bird chorus.wav
554434	44444836	Prairie quiet faint insects birds	QP06 0660 Prairie quiet faint insects birds.wav
554434	44453599	Prairie wind buffeting faint crickets	QP06 0604 Prairie wind buffeting faint crickets.wav
554434	41869774	Rain soft	QP01 0011 Rain soft.wav
554434	41734694	Wind desert soft variable over flat lava bed	QP02 0247 Wind desert soft variable over flat lava bed.wav
554434	41737230	Wind modern light variable wires	QP02 0139 Wind modern light variable wires.wav
554434	41691269	Wind plants gentle breeze soft leaf rustles	QP02 0161 Wind plants gentle breeze soft leaf rustles.wav
554434	41869319	Ocean shore wave lap gull circles	QP01 0074 Ocean shore wave lap gull circles.wav
554434	44261421	Prairie dawn chorus mourning dove (1)	QP06 0576 Prairie dawn chorus mourning dove.wav
554434	41869470	Prairie day wind crickets	QP01 0085 Prairie day wind crickets.wav
554434	44445350	Prairie wind blustery crickets	QP06 0602 Prairie wind blustery crickets.wav
554434	41647142	River drumming in rocks waterfall	QP04 0408 River drumming in rocks waterfall.wav
554434	41892479	Stream moderate	QP01 0018 Stream moderate.wav
554434	41615922	Thunder distant	QP01 0009 Thunder distant.wav
554434	41615937	Thunder echo	QP03 0276 Thunder echo.wav
554434	41650473	Water drop	QP04 0335 Water drop.wav
554434	41690886	Wind deciduous forest breeze gentle insects	QP02 0184 Wind deciduous forest breeze gentle insects.wav
554434	41734901	Wind desert rock boulder space	QP02 0251 Wind desert rock boulder space.wav
554434	41734847	Wind desert variable complex swirling	QP02 0255 Wind desert variable complex swirling.wav
554434	41736339	Wind grass winter brisk consistent	QP02 0212 Wind grass winter brisk consistent.wav
554434	41691051	Wind palm frond soft gusty more distant	QP02 0246 Wind palm frond soft gusty more distant.wav
554434	41691833	Wind plants whipping breeze stronger	QP02 0165 Wind plants whipping breeze stronger.wav
554434	41691926	Wind reed light gusts stem action	QP02 0217 Wind reed light gusts stem action.wav
554434	41867016	Canyon owl	QP01 0128 Canyon owl.wav
554434	41867394	Coniferous forest ambience active	QP01 0063 Coniferous forest ambience active.wav
554434	41867258	Coniferous forest jay (1)	QP01 0071 Coniferous forest jay.wav
554434	41870040	Deciduous forest country morning	QP01 0046 Deciduous forest country morning.wav
554434	41868545	Deciduous forest tufted titmouse solo	QP01 0052 Deciduous forest tufted titmouse solo.wav
554434	41868632	Desert mockingbird solo	QP01 0133 Desert mockingbird solo.wav
554434	41869143	Insect crickets active	QP01 0029 Insect crickets active.wav
554434	41869213	Insect crickets isolated	QP01 0028 Insect crickets isolated.wav
554434	44442581	Prairie crickets busy wind sweeping night (1)	QP06 0621 Prairie crickets busy wind sweeping night.wav
554434	44263959	Prairie dawn early	QP06 0567 Prairie early dawn.wav
554434	41869523	Prairie meadowlark chirps chortle	QP01 0087 Prairie meadowlark chirps chortle.wav
554434	44444959	Prairie western meadowlark (1)	QP06 0624 Prairie western meadowlark.wav
554434	44445494	Prairie wind gusting crickets	QP06 0601 Prairie wind gusting crickets.wav
554434	44265505	Prairie wind soft breezy	QP06 0588 Prairie wind soft breezy.wav
554434	44445896	Prairie wind sweeping meadowlark	QP06 0613 Prairie wind sweeping meadowlark.wav
554434	41614061	Rain downpour	QP03 0301 Rain downpour.wav
554434	41615060	Rain quiet light tone	QP03 0292 Rain quiet light tone.wav
554434	41869802	Rain strong	QP01 0013 Rain strong.wav
554434	41869868	Riparian Zone night insects	QP01 0120 Riparian Zone night insects.wav
554434	41647706	River gurgling moderately distant	QP04 0419 River gurgling moderately distant.wav
554434	41648221	River profile underwater	QP04 0455 River profile underwater.wav
554434	41648370	River rapids stronger	QP04 0388 River rapids stronger.wav

554434	41649035	River submersion underwater	QP04 0450 River submersion underwater.wav
554434	41649179	River surging	QP04 0380 River surging.wav
554434	41649865	Stream rippling surges	QP04 0365 Stream rippling surges.wav
554434	48614816	Surf pebbles light sweeping	QP05 0496 Surf pebbles light sweeping.wav
554434	48584884	Surf surges rock jetty busier	QP05 0472 Surf surges rock jetty busier.wav
554434	41615589	Thunder distant faint	QP03 0290 Thunder distant faint.wav
554434	41615684	Thunder distant rolling	QP03 0281 Thunder distant rolling.wav
554434	41615899	Thunder distant very long peel	QP03 0278 Thunder distant very long peel.wav
554434	41616128	Thunder very distant	QP03 0287 Thunder very distant.wav
554434	41895323	Thunderstorm	QP01 0016 Thunderstorm.wav
554434	41894702	Tropical forest bird ruckus dawn	QP01 0043 Tropical forest bird ruckus dawn.wav
554434	41895927	Tropical forest stream	QP01 0041 Tropical forest stream.wav
554434	41895910	Wetland bullfrog	QP01 0110 Wetland bullfrog.wav
554434	41895951	Wetland canada geese flyby	QP01 0106 Wetland canada geese flyby.wav
554434	41895973	Wetland duck fly across isolated	QP01 0101 Wetland duck fly across isolated.wav
554434	41896301	Wetland lake birds trout	QP01 0099 Wetland lake birds trout.wav
554434	41896805	Wetland spring peepers sparse others	QP01 0114 Wetland spring peepers sparse others.wav
554434	41689043	Wind coniferous alpine brisky roar howl	QP02 0239 Wind coniferous alpine brisky roar howl.wav
554434	41689774	Wind coniferous fast wispy gusts with lulls	QP02 0222 Wind coniferous fast wispy gusts with lulls.wav
554434	41690355	Wind coniferous strong various gusts	QP02 0235 Wind coniferous strong various gusts.wav
554434	41732099	Wind coniferous with tree creaking	QP02 0225 Wind coniferous with tree creaking.wav
554434	41732475	Wind deciduous forest quiet soft breeze	QP02 0179 Wind deciduous forest quiet soft breeze.wav
554434	41732993	Wind deciduous forest slow resonant breeze	QP02 0180 Wind deciduous forest slow resonant breeze.wav
554434	41733491	Wind deciduous soft surging no detail	QP02 0192 Wind deciduous soft surging no detail.wav
554434	41733672	Wind desert light wispy gusty roaring	QP02 0252 Wind desert light wispy gusty roaring.wav
554434	41733973	Wind desert blustery volcano rim	QP02 0249 Wind desert blustery volcano rim.wav
554434	41736081	Wind grass variable wispy	QP02 0204 Wind grass variable wispy.wav
554434	41736273	Wind grass winter strong consistent	QP02 0213 Wind grass winter strong consistent.wav
554434	41896960	Wind mod strong	QP01 0004 Wind mod strong.wav
554434	41690987	Wind palm frond brisk close rustles	QP02 0245 Wind palm frond brisk close rustles.wav
554434	41691456	Wind plants leaves rustle	QP02 0158 Wind plants leaves rustle.wav
554434	41691578	Wind plants light variable	QP02 0156 Wind plants light variable.wav
554434	41692039	Wind plants wispy breeze	QP02 0159 Wind plants wispy breeze.wav
554434	41691989	Wind reed softer leafy faint water laps	QP02 0218 Wind reed softer leafy faint water laps.wav

My client is currently traveling and will provide additional information regarding these infringements, but I wanted to give you this notice. As Pond5 has noted, Mr. Kahn did almost nothing to cover his tracks and did not even change the names of the files infringed from Mr. Hempton.

3. I advised that we intend to pursue relief from the court on these issues and avail ourselves of the court's process for telephonic hearing of discovery disputes. (Dkt. #29 at par. 3) I requested times on Thursday and Friday for calling the court.

Let me know if you have any questions or comments.

Best regards,
Roger

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